

Remarks:

In the Office Action mailed on December 8, 2008 the Examiner rejected claims 1-8, 11 and 12. Claims 1, 3-6, 8, 11 and 12 are amended herein. Claims 9-10 were previously cancelled. Claims 1-8, 11 and 12 are pending in the application.

**The Claims**

Claims 1, 3-6, 8, 11 and 12 have been amended to more clearly recite the subject matter of the invention. The amendments are not directed per se to overcome any rejections or objections made by the Examiner. However, in the view of Applicants, the amendments render the claims more clear.

**35 USC 102**

Claims 1-8 and 11-12 were rejected under 35 U.S.C. 102(e) as being anticipated by Schier, (US 6907123 hereinafter “Schier”). Applicants traverse the rejection.

Anticipation under 35 U.S.C. 102(e) requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. That standard cannot be met with Schier.

Consider, for example, Claim 1. Claim 1 recites “a preliminary step of storing a second inactive authentication algorithm (Algo2) in a memory element of the device.” Thus, Claim 1 is directed to algorithms used for authentication.

The Examiner seems to equate encryption with authentication. However, that is incorrect. The encryption of messages taught by Schier is employed to secure the communication between the device and other devices, particularly, in voice communication systems. Authentication, on the other hand, involves confirming the identity of a party attempting to use a device or an account. Encryption algorithms and authentication algorithms both deal with information security. However, their purposes are different, and the algorithms are very different. It would therefore not be expected that a person of ordinary skill in the art would be drawn to encryption technology and the deployment of encryption technologies to look for solution in the

authentication domain. Even so, if one were to look to Schier for inspiration, Schier teaches away from the claimed solution. Thus, the claims are not only not anticipated by but are also not obvious over Schier and should be allowed.

Schier is not directed to authentication of a subscriber identity. Rather, Schier teaches a technology in which multiple encryption and decryption algorithms may be used to encrypt and decrypt messages. However, Schier does not state anything about authentication algorithms. Thus, “a preliminary step of storing a second inactive authentication algorithm (Algo2) in a memory element of the device” is not taught or suggested by Schier.

Claim 1 further recites “a step for switching from the first authentication algorithm (Algo1) to the second algorithm (Algo2).” As noted above, Schier disclosed the use of multiple encryption/decryption algorithms, but discuss authentication algorithms. Thus, it is not surprising that Schier fails to teach or suggest “switching from the first authentication algorithm (Algo1) to the second authentication algorithm (Algo2).”

Claim 1 further recites that the switching step “[includes] inhibiting the first authentication algorithm (Algo1) and activate the second authentication algorithm (Algo2).” The Schier reference does not disclose inhibiting an authentication algorithm. In fact, even if, for the sake of argument, one were to equate the encryption algorithms of Schier with the authentication algorithms encountered in the present claims, Schier fails to teach or suggest the inhibiting step. Schier, in fact, teaches away from inhibiting the algorithm switched from. Schier states:

“If a system is able to utilize several of these simple encryption systems, these methods can be combined to create a combined encryption scheme which is extremely difficult to defeat. In addition, as is disclosed herein, these simple encryption algorithms can be used in sequence during a real time communication to ensure a high degree of security.” Schier, Col. 6, Lines 27-33.

Thus, inhibiting algorithms switched from is entirely contrary to the mechanism taught by Schier and would render Schier inoperable for its intended purpose.

For the foregoing reasons, Claim 1 is not anticipated by and is not obvious over Schier and should be allowed. Independent claims 8 and 11 recite analogous limitations and are patentable over Schier for at least the same reasons given in support of Claim 1.

Claims 2-7 depend from Claim 1 and Claim 12 depends from Claim 11. These claims incorporate all the limitations of their respective base claims, provide new and non-obvious combinations, are patentable for the reasons given in support of the base claims and by virtue of such further combinations.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

### **CONCLUSION**

It is submitted that all of the claims now in the application are allowable. Applicants respectfully request consideration of the application and claims and its early allowance. If the Examiner believes that the prosecution of the application would be facilitated by a telephonic interview, Applicants invite the Examiner to contact the undersigned at the number given below.

Applicants respectfully request that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

Date: June 6, 2009

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